

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL L. HILL,

Defendant.

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Case No. 8:07CR282

ORDER

This case is before the court on the defendant's Motion to Review Detention (#16).
The motion is denied.

After reviewing the defendant's August 30, 2007 Pretrial Services initial appearance report, the September 4, 2007 Order of Detention (#13), and the September 28, 2007 letter from defendant's attorney with the attached medical summaries, I find the proposed release of the defendant on conditions of release to his mother as a third-party custodian fails to adequately address the court's concerns as set out in the September 4, 2007 Detention Order (#13). The proposed placement does not significantly address the defendant's prior criminal history, which includes three prior felony convictions, nor does the proposed placement adequately address the court's concerns of danger based upon the location by law enforcement officers of two handguns at the site of the defendant's arrest. Additionally, the defendant's motion fails to present evidence that rebuts the presumption of detention under 18 U.S.C. § 3142(e).

For the reasons set out above, I find that no condition or combination of conditions will reasonably assure the safety of other persons or the community and conclude that the defendant should remain committed.

IT IS ORDERED:

The defendant's Motion to Review Detention (#16) is denied.

Dated this 3rd day of October 2007.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge